

Case No. 7,049. INNES v. CARPENTER.

[4 N. B. R. 412 (Quarto, 139).]¹

District Court, S. D. New York.

Dec. 8, 1870.

NEGOTIABLE INSTRUMENTS—ACCOMMODATION INDORSEMENT.

An accommodation indorsement on a note does not make it commercial paper as to the accommodation indorser.

[Cited in *Re Carter*, Case No. 2,470; *Re Clemens*, Id. 2,877.]

This is a proceeding instituted by the petitioning creditor to recover from Jeremiah Carpenter the amount of a note made by Samuel Hanna, and indorsed by Jeremiah Carpenter, and delivered by said Hanna to Edward S. Innes for merchandise sold by said Innes to said Hanna.

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BLATCHFORD, District Judge. As the note appears to have been indorsed by said Carpenter for the accommodation of Hanna, and was taken by the petitioners for wool sold to Hanna, I do not think it is commercial paper of Carpenter's as a merchant and manufacturer, within the act [of 1867 (14 Stat. 517)].

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